

ESTTA Tracking number: **ESTTA581047**

Filing date: **01/09/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	New Albertson's, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	250 E. Parkcenter Blvd. Boise, ID 83706 UNITED STATES		

Correspondence information	Legal Department New Albertson's, Inc. 250 E. Parkcenter Blvd. Boise, ID 83706 UNITED STATES LegalIP@Albertsons.com Phone:208-395-5193
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Applicant Information

Application No	85780435	Publication date	12/10/2013
Opposition Filing Date	01/09/2014	Opposition Period Ends	01/09/2014
Applicant	Acme International Enterprises, Inc. 400 Lyster Avenue Saddle Brook, NJ 07763 GERMANY		

Goods/Services Affected by Opposition

Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Brushes for basting meat; Cake decorating sets sold as a unit comprised primarily of decorating tubes, couplers and tips; Cookie cutters; Cooking funnels; Cooking graters; Cooking sieves and sifters; Cooking skewers; Cooking utensil, namely, batter dispenser; Cork screws; Corn cob holders; Food basters; Household utensils, namely, graters; Household utensils, namely, kitchen tongs; Household utensils, namely, sieves; Household utensils, namely, spatulas, turners, whisks; Icecream scoops; Kitchen utensils, namely, splatter screens; Ladles, for kitchen use; Melon ballers; Mixing spoons; Pasta serving forks; and Slotted spoons
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2041975	Application Date	04/16/1996
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Registration Date	03/04/1997	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1937/12/00 First Use In Commerce: 1937/12/00 retail grocery and supermarket services		

U.S. Registration No.	2142414	Application Date	01/31/1997
Registration Date	03/10/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1985/04/12 First Use In Commerce: 1985/04/12 aluminum foil		


U.S. Registration No.	2123906	Application Date	01/31/1997
Registration Date	12/23/1997	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1984/02/17 First Use In Commerce: 1984/02/17 [bird seed, cat food, cat litter, dog biscuits, dog food, raw nuts, and] unpopped popcorn		

U.S. Registration No.	2138677	Application Date	01/31/1997
Registration Date	02/24/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1985/06/05 First Use In Commerce: 1985/06/05 [baby oil, powder, shampoo, and wipes;bath gels and oil; castor and mineral oil for personal use; cotton balls, puffs, squares, and swabs for cosmetic purposes; dental travel packs consisting of toothpaste, toothbrush, and mouthwash; denture cleaning preparations;] dish detergents; [emery boards]; fabric softeners; glass cleaners; household cleaning detergents and preparations; laundry detergent [and bleach; nail polish remover; non-medicated mouthwash; personal deodorant; petroleum jelly for cosmetic purposes; shaving preparations, namely, shaving balms, gels, creams, and lotions; skincleansers, lotions, creams, and moisturizers; soap for hands, face, and body; sun screen and sun block preparations; sun tanning preparations; toothpaste; and		


	windshield cleaner fluid]		
U.S. Registration No.	2135688	Application Date	01/31/1997
Registration Date	02/10/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1985/01/17 First Use In Commerce: 1985/01/17 [crayons, disposable diapers, envelopes,] facial tissues, [filters for coffee makers, glue for stationery or household use, markers,] paper napkins, paper towels, [pencils,] plastic food storage bags, plastic trash bags, plastic wrap, [tape for stationery or household use,] toilet paper [and writing tablets]		
U.S. Registration No.	2137116	Application Date	01/31/1997
Registration Date	02/17/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1987/03/18 First Use In Commerce: 1987/03/18 [latex gloves for general household use, lawn sprinklers,] paper and plastic cups, paper plates and bowls, [sponges and scouring pads for household purposes]		
U.S. Registration No.	2152107	Application Date	01/31/1997
Registration Date	04/21/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1981/05/20 First Use In Commerce: 1981/05/20 drinking water, fruit juice, mixes for lemonade, fruit punch, and fruit-flavored drinks, soft drinks, and vegetable juice		
U.S. Registration No.	2127394	Application Date	02/05/1997
Registration Date	01/06/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1982/11/09 First Use In Commerce: 1982/11/09		


	[apple butter,] applesauce, baked beans, * Breakfast drinks, namely, milk, * butter, canned beans, canned and frozen seafood, canned, frozen and French friedpotatoes, * Canned pork and beans, * canned processed tomatoes, canned vegetables, cheese, chili with beans, egg substitute, evaporated milk, flaked coconut, frozen vegetables, hash browns, instant potatoes, jellies and jams, margarine, non-dairy creamer, olive oil, peanut butter, pickles, potato chips, powdered milk,processed nuts, processed olives, processed peppers, soups, sour cream, vegetable oil and vegetable oil cooking spray, whipped cream, whipped topping, and yogurt
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U.S. Registration No.	2152108	Application Date	01/31/1997
Registration Date	04/21/1998	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1991/12/11 First Use In Commerce: 1991/12/11 bagels, bakery products, baking soda, barbecue sauce, biscuits, bread, bread crumbs, bread rolls, [bread sticks,] breakfast cereal, [candy, cheese flavored puffed corn snacks,] chili sauce, chocolate chips, chocolate syrup, cocoa mix, coffee, cookie dough, cookies, [corn chips,] crackers, croutons, dessert pies,frozen and packaged meals consisting primarily of pasta [or rice,] flour, frostings, [frozen bagels, frozen novelties, namely, ice cream bars, popsicles, ice cream sandwiches and sundaes,] frozenpizza, frozen waffles, [frozen yogurt,] granola-based snack bars, honey, horseradish, hot sauce, [ice cream,] iced tea, ketchup, macaroni and cheese, marshmallows and marshmallow cream, mayonnaise, mixes for baking goods, muffins, mustard, oatmeal, pancake and waffle mixes, pasta, pastries, pie crusts, pizza crust, pretzels, relish, rice, seasoning mixes for chili, gravy and tacos, seasoningsand seasoning mixes, spices, stuffing mixes containing bread, sugar, syrup for pancakes and waffles, real and imitationvanilla extract, spaghetti sauce, tea and tea mixes, tomato sauce, [tortilla chips,] vinegar, white corn syrup, and as a house mark for food products		

U.S. Registration No.	1369567	Application Date	04/12/1985
Registration Date	11/05/1985	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 1984/10/01 First Use In Commerce: 1984/10/01 RETAIL GROCERY STORE SERVICES
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U.S. Registration No.	2275601	Application Date	01/16/1998
Registration Date	09/07/1999	Foreign Priority Date	NONE
Word Mark	ACME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/02/02 First Use In Commerce: 1997/02/02 retail supermarket and drug store services featuring food, drugs, household goods, automotive goods, and like general merchandise		

U.S. Registration No.	2455780	Application Date	06/03/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	ACME CARRY-OUT CUISINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/08/02 First Use In Commerce: 1998/08/02 retail grocery store services featuring take-out food services		

U.S. Registration No.	2047800	Application Date	05/07/1996
Registration Date	03/25/1997	Foreign Priority Date	NONE
Word Mark	ACME PHARMACY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1989/12/01 First Use In Commerce: 1989/12/01 pharmacy services		

Attachments	73532074#TMSN.gif(bytes) 75419350#TMSN.gif(bytes) 75495115#TMSN.gif(bytes) 2014-01-09 Notice of Opposition to ACME KITCHEN GEAR w-attachment as filed.pdf(912522 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Patrick D. Madigan/
Name	Legal Department
Date	01/09/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

New Albertson's, Inc.)	Opposition No. _____
)	
Opposer,)	Mark: ACME KITCHEN GEAR
)	Serial No.: 85/780,435
v.)	
)	Filing Date: November 15, 2012
Acme International Enterprises)	
)	Published: December 10, 2013
Applicant.)	

NOTICE OF OPPOSITION

This Notice of Opposition is submitted in the matter of Application Serial No. 85/780,435, for registration by Acme International Enterprises ("Applicant") of the trademark ACME KITCHEN GEAR for use in connection with "brushes for basting meat; cake decorating sets sold as a unit comprised primarily of decorating tubes, couplers and tips; cookie cutters; cooking funnels; cooking graters; cooking sieves and sifters; cooking skewers; cooking utensil, namely, batter dispenser; cork screws; corn cob holders; food basters; household utensils, namely, graters; household utensils, namely, kitchen tongs; household utensils, namely, sieves; household utensils, namely, spatulas, turners, whisks; ice cream scoops; kitchen utensils, namely, splatter screens; ladles, for kitchen use; melon ballers; mixing spoons; pasta serving forks; and slotted spoons," in International Class 21, which was published on December 10, 2013.

New Albertson's, Inc., an Ohio corporation having a place of business at 250 E. Parkcenter Blvd., Boise, Idaho 83706, and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC, believes that it will be damaged by the registration, and therefore opposes the same.

The grounds for this Opposition herein are as follows:

1. Since at least as early as 1937, New Albertson's, Inc.'s subsidiaries, Acme Markets, Inc. and American Stores Company, LLC, have been providing retail grocery and supermarket services under its ACME trademark, and creating, developing and selling a wide variety of products in its stores under the ACME mark. Since at least as early as 1987, American Stores Company, LLC has been providing products under the ACME mark in International Class 21.

2. New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC, have duly registered their ACME marks, including U.S. Registration Nos.: 2,041,975; 2,142,414; 2,123,906; 2,138,677; 2,135,688; 2,137,116; 2,152,107; 2,127,394; 2,152,108; 1,369,567; 2,275,601; 2,455,780; and, 2,047,800; ("Acme Marks"). Printouts of information from the electronic database records of the USPTO showing the current status and title of the registrations and applications are attached hereto as Exhibit A.

3. All of the aforementioned trademark registrations are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Consequently, these registrations are conclusive evidence of the validity of the registered marks and of the registration of the marks, of New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC ownership of the marks. It is also conclusive evidence of New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

4. New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC have devoted enormous resources, time and effort in developing, marketing and distributing products and services under its ACME Marks over the last seventy-seven years.

5. As a result of its long use and extensive efforts to promote and protect its ACME Marks, New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC have developed widespread recognition and goodwill in these Marks. In addition, the ACME Marks are famous, and became famous prior to Applicant's filing date.

6. On November 15, 2012, decades after New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC began their use of and developed its rights in the ACME Marks, and long after these ACME Marks were registered in the U.S. Patent and Trademark Office, and after its ACME Marks had become famous, Applicant filed an application to register the mark ACME KITCHEN GEAR for use in International Class 21.

7. The ACME KITCHEN GEAR mark, which Applicant seeks to register, is substantially similar in sound and appearance to the ACME Marks, especially since "KITCHEN GEAR" was disclaimed. Moreover, both marks are used on highly-related goods and services. The goods offered under ACME KITCHEN GEAR would easily be perceived by the public as related to those offered by Acme Markets, Inc. and American Stores Company, LLC. As a result, registration of the ACME KITCHEN GEAR mark is likely to cause confusion, to cause mistake, or to deceive purchasers into believing that Applicant's goods originate with, are sponsored by, are licensed by, are associated with or are related in some fashion to Acme Markets, Inc. and American Stores Company, LLC, in violation of 15 U.S.C. § 1114(1)(a).

8. Registration of the ACME KITCHEN GEAR mark to Applicant would also diminish and dilute the distinctiveness of the famous ACME Marks and harm Acme Markets, Inc.'s and American Stores Company, LLC's goodwill and reputation associated with its ACME Marks by allowing any fault with or objection to Applicant's goods to reflect upon Acme Markets, and would restrict the natural growth and expansion of the ACME Marks in violation of 15 U.S.C. § 1125(c).

9. Accordingly, if registration is issued to Applicant for the ACME KITCHEN GEAR mark, the resulting confusion with the ACME Marks and the dilution of the ACME Marks would cause damage and injury to New Albertson's, Inc. and its subsidiaries Acme Markets, Inc. and American Stores Company, LLC and the public.

WHEREFORE, New Albertson's, Inc. requests that this Opposition be sustained and Application Serial No. 85/780,435 be refused registration.

New Albertson's, Inc. submits the requisite filing fee of \$300.00 via a credit card payment with filing of this Notice.

Date: January 9, 2014

Respectfully Submitted,

By: /Patrick D. Madigan/
Patrick D. Madigan

On Behalf of the Opposer,
New Albertson's, Inc.
250 E. Parkcenter Blvd.
Boise, Idaho 83706
Tel: 208-395-5193
Fax: 208-395-6575

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing **NOTICE OF OPPOSITION** is being electronically transmitted via the Electronic System for Trademark Trials and Appeals ("ESTTA") at <http://esta.uspto.gov/> on the date noted below:

Date: January 9, 2014

By: /Patrick D. Madigan/
Patrick D. Madigan
On Behalf of the Opposer,
New Albertson's, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon:

Scott L. Lampert
Broad and Cassel
1 N. Clematis St., Ste. 500
West Palm Beach, FL 33401-5537

by depositing said copy in a properly addressed envelope, First Class postage prepaid, and depositing same in the United States mail at Boise, Idaho, on the date noted below:

Date: January 9, 2014

By: /Patrick D. Madigan/
Patrick D. Madigan
On Behalf of the Opposer,
New Albertson's, Inc.

Exhibit A
To
Notice of Opposition
Filed
January 9, 2014

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Mark: ACME

No Image exists
for this case.

US Serial Number: 75088102

Application Filing Date: Apr. 16, 1996

US Registration Number: 2041975

Registration Date: Mar. 04, 1996

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 21, 2007

Publication Date: Dec. 10, 1996

Mark Information

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: retail grocery and supermarket services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1937

Use in Commerce: Dec. 1937

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: ACME MARKETS, INC.

Owner Address: 250 Parkcenter Blvd.
Boise, IDAHO 83706
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information

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Mark: ACME

No Image exists
for this case.

US Serial Number: 75235075

Application Filing Date: Jan. 31, 1997

US Registration Number: 2142414

Registration Date: Mar. 10, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 01, 2007

Publication Date: Dec. 16, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: aluminum foil

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 12, 1985

Use in Commerce: Apr. 12, 1985

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARK CENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

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Mark: ACME

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US Serial Number: 75234331

Application Filing Date: Jan. 31, 1997

US Registration Number: 2123906

Registration Date: Dec. 23, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 20, 2007

Publication Date: Sep. 30, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [bird seed, cat food, cat litter, dog biscuits, dog food, raw nuts, and] unpopped popcorn

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 17, 1984

Use in Commerce: Feb. 17, 1984

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: American Stores Company, LLC

Owner Address: 250 E. Parkcenter Blvd.
Boise, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

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Mark: ACME

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US Serial Number: 75234320

Application Filing Date: Jan. 31, 1997

US Registration Number: 2138677

Registration Date: Feb. 24, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 01, 2007

Publication Date: Dec. 02, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [baby oil, powder, shampoo, and wipes; bath gels and oil; castor and mineral oil for personal use; swabs for cosmetic purposes; dental travel packs consisting of toothpaste, toothbrush, and mouthwash; dish detergents; [emery boards]; fabric softeners; glass cleaners; household cleaning detergent [and bleach; nail polish remover; non-medicated mouthwash; personal deodorant; petroleum jelly preparations, namely, shaving balms, gels, creams, and lotions; skin cleansers, lotions, creams and body; sun screen and sun block preparations; sun tanning preparations; toothpaste; and waxes

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 05, 1985

Use in Commerce: Jun. 05, 1985

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARK CENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

Prosecution History

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Mark: ACME

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US Serial Number: 75234319

Application Filing Date: Jan. 31, 1997

US Registration Number: 2135688

Registration Date: Feb. 10, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 01, 2007

Publication Date: Nov. 18, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: [crayons, disposable diapers, envelopes,] facial tissues, [filters for coffee makers, glue for stat
paper napkins, paper towels, [pencils,] plastic food storage bags, plastic trash bags, plastic wr
use,] toilet paper [and writing tablets]

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 006

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 17, 1985

Use in Commerce: Jan. 17, 1985

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARK CENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

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Mark: ACME

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US Serial Number: 75234318

Application Filing Date: Jan. 31, 1997

US Registration Number: 2137116

Registration Date: Feb. 17, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 01, 2007

Publication Date: Nov. 25, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [latex gloves for general household use, lawn sprinklers,] paper and plastic cups, paper plates
for household purposes]

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 014

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 18, 1987

Use in Commerce: Mar. 18, 1987

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARK CENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

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Mark: ACME

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US Serial Number: 75234313

Application Filing Date: Jan. 31, 1998

US Registration Number: 2152107

Registration Date: Apr. 21, 1998

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 01, 2007

Publication Date: Jan. 27, 1998

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: drinking water, fruit juice, mixes for lemonade, fruit punch, and fruit-flavored drinks, soft drinks, etc.

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, etc.

Class Status: ACTIVE

Basis: 1(a)

First Use: May 20, 1981

Use in Commerce: May 20, 1981

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARK CENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

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Mark: ACME

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US Serial Number: 75237013

Application Filing Date: Feb. 05, 1

US Registration Number: 2127394

Registration Date: Jan. 06, 1

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jan. 20, 2008

Publication Date: Oct. 14, 1997

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [apple butter,] applesauce, baked beans, * Breakfast drinks, namely, milk, * butter, canned be
frozen and French fried potatoes, * Canned pork and beans, * canned processed tomatoes, car
beans, egg substitute, evaporated milk, flaked coconut, frozen vegetables, hash browns, instan
non-dairy creamer, olive oil, peanut butter, pickles, potato chips, powdered milk, processed nuts
soups, sour cream, vegetable oil and vegetable oil cooking spray, whipped cream, whipped top

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 09, 1982

Use in Commerce: Nov. 09, 1

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: American Stores Company, LLC

Owner Address: 250 E. Parkcenter Blvd.

BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

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Mark: ACME

No Image exists
for this case.

US Serial Number: 75234317

Application Filing Date: Jan. 31, 1998

US Registration Number: 2152108

Registration Date: Apr. 21, 1998

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jan. 20, 2008

Publication Date: Jan. 27, 1998

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: bagels, bakery products, baking soda, barbecue sauce, biscuits, bread, bread crumbs, bread rolls, candy, cheese flavored puffed corn snacks, [chili sauce, chocolate chips, chocolate syrup, corn chips,] crackers, croutons, dessert pies, frozen and packaged meals consisting primarily [frozen bagels, frozen novelties, namely, ice cream bars, popsicles, ice cream sandwiches and [frozen yogurt,] granola-based snack bars, honey, horseradish, hot sauce, [ice cream,] iced tea, marshmallows and marshmallow cream, mayonnaise, mixes for baking goods, muffins, mustard, pasta, pastries, pie crusts, pizza crust, pretzels, relish, rice, seasoning mixes for chili, gravy and mixes, spices, stuffing mixes containing bread, sugar, syrup for pancakes and waffles, real and tea and tea mixes, tomato sauce, [tortilla chips,] vinegar, white corn syrup, and as a house made

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 11, 1991

Use in Commerce: Dec. 11, 1991

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARKCENTER BOULEVARD
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

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Mark: ACME



US Serial Number: 73532074

Application Filing Date: Apr. 12, 1985

US Registration Number: 1369567

Registration Date: Nov. 05, 1985

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Mar. 28, 2006

Publication Date: Aug. 27, 1985

Mark Information

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: RETAIL GROCERY STORE SERVICES

International Class(es): 042 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 01, 1984

Use in Commerce: Oct. 01, 1985

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: ACME MARKETS, INC.

Owner Address: 250 Parkcenter Blvd.
Boise, IDAHO 83706
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

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Mark: ACME

ACME

US Serial Number: 75419350

Application Filing Date: Jan. 16, 1999

US Registration Number: 2275601

Registration Date: Sep. 07, 1999

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 12, 2009

Publication Date: Jun. 15, 1999

Mark Information**Related Properties Information****Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: retail supermarket and drug store services featuring food, drugs, household goods, automotive

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101,

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 02, 1997

Use in Commerce: Feb. 02, 1999

Used Anywhere in Another first used in another form in December 1937
Form:Used in Commerce in first used i
Another Form: December**Basis Information (Case Level)****Current Owner(s) Information**

Owner Name: ACME MARKETS, INC.

Owner Address: 250 Parkcenter Blvd.
Boise, IDAHO 83706

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWAR
Organized:

Attorney/Correspondence Information

Prosecution History

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Mark: ACME CARRY-OUT CUISINE

ACME CARRY-OUT CUISINE

US Serial Number: 75495115

Application Filing Date: Jun. 03, 19

US Registration Number: 2455780

Registration Date: May 29, 20

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Dec. 28, 2010

Publication Date: Mar. 07, 2000

Notice of Allowance Date: May 30, 20

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: retail grocery store services featuring take-out food services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101,

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 1998

Use in Commerce: Aug. 02, 1

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: AMERICAN STORES COMPANY, LLC

Owner Address: 250 E. PARKCENTER BLVD.
BOISE, IDAHO 83706
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where DELAWARE
Organized:

Attorney/Correspondence Information

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Mark: ACME PHARMACY

No Image exists
for this case.

US Serial Number: 75099994

Application Filing Date: May 07, 1996

US Registration Number: 2047800

Registration Date: Mar. 25, 1996

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Apr. 14, 2007

Publication Date: Dec. 31, 1996

Mark Information

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: pharmacy services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1989

Use in Commerce: Dec. 01, 1989

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: ACME MARKETS, INC.

Owner Address: 250 Parkcenter Blvd.
Boise, IDAHO 83706
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWAR
Organized:

Attorney/Correspondence Information

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